

# **IMPLEMENTING THE MASSACHUSETTS SMOKE-FREE WORKPLACE LAW: A Guide for Employers**



MASSACHUSETTS TOBACCO CONTROL PROGRAM  
MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH  
250 Washington Street, Boston, MA 02108

phone: 1-800-992-1895 • TDD/TTY: 617-624-5992  
[www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp)

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*Implementing the Massachusetts Smoke-free Workplace Law: A Guide for Employers*  
was developed by the Massachusetts Department of Public Health.

## Massachusetts Smoke-Free Workplace Law

THE MASSACHUSETTS SMOKE-FREE WORKPLACE LAW (M.G.L. chapter 270, section 22, “An Act to Improve the Public Health in the Commonwealth”) prohibits smoking in workplaces in order to protect employees and the public from secondhand smoke. This law amends the 1988 Massachusetts Clean Indoor Air Law.

**The Massachusetts Smoke-free Workplace Law  
will go into effect Monday, July 5, 2004.**

Secondhand smoke, also known as environmental tobacco smoke (ETS), is the combination of smoke exhaled by a smoker and smoke from a burning cigarette, cigar or pipe. This combination is dangerous for both the smoker and the nonsmoker. Secondhand smoke contains a mixture of more than 4,000 chemicals, more than 50 of which are cancer-causing agents (carcinogens).

The Massachusetts Smoke-Free Workplace Law prohibits smoking in workplaces including private offices, taxis, restaurants and bars. There are only a few exceptions to this comprehensive law. Please refer to the Executive Summary of the Massachusetts Smoke-Free Workplace Law, which is available at [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp).

Cities and towns may have additional local secondhand smoke laws that are stricter than the state law. Contact your local health department/board of health for information about local tobacco control laws.

To learn more about the Smoke-Free Workplace Law, contact the Massachusetts Department of Public Health at 1-800-992-1895 or visit [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp). Fact sheets, “no smoking” signs, and a guide for employers to implementing the law are available for downloading at the website.

If you smoke and want to quit, or know someone who wants to quit call the Try-to-STOP TOBACCO Resource Center at 1-800-TRY-TO-STOP (1-800-879-8678) for free helpful information, or visit [www.trytostop.org](http://www.trytostop.org).

# Making It Work in Your Workplace

## ■ Develop a Plan for Implementation

- **Assign overall responsibility and create a tasklist to prepare for implementation.**

Appoint someone in middle or senior management to coordinate the plan in order to show commitment from the top level of management. If you have an existing Health and Safety Committee, utilize this committee in implementation planning.

- **Review state and local no-smoking laws**

A fact sheet is available at the front of this guide. Additional information, including a two-page summary, is available at [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp).

Please be aware that some communities have passed local regulations that have stronger smoking restrictions than the new statewide law. These local regulations remain in effect after July 5, 2004. Your workplace must follow the stricter measure whether it is the local regulation or the new state law. Information about local laws can be obtained from your local board of health/health department or from your city/town clerk.

- **Review internal policies**

Do your personnel and safety policies already comply with state law or do they need to be revised? Are there issues to be negotiated with unions at your workplace?

How many breaks will smokers be allowed? Will extra breaks be permitted?

Are there any employees who don't currently receive smoking breaks? Is there a sheltered outdoor area that employees can use for smoking breaks?

How will the policies be enforced and by whom? Train staff on how complaints and violations will be handled.

What support will be offered to employees who smoke and want to quit?

It is recommend that all employees are made aware of free resources at the Try-To-STOP TOBACCO Resource Center, 1-800-TRY-TO-STOP (1-800-879-8676) or [www.trytostop.org](http://www.trytostop.org).

## Making It Work in Your Workplace (cont.)

### ■ Notify everyone in your workplace about the new state law

- Post “NO SMOKING” signs in visible locations at all entrances, restrooms and break rooms. These signs may be downloaded from [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp).
- Send a letter to each employee with a copy of the one-page Fact Sheet about the law.
- Announce the new law at regular meetings.
- Include articles in the company’s newsletter.
- Post flyers on bulletin boards and other locations frequented by employees.
- Distribute payroll enclosures to publicize the new law and cessation resources.
- Focus on the health aspects and the benefits of going smoke-free.

*The law should apply equally to all employees.*

*Enforce the law as you would enforce any other policy in your business.*

## **Checklist: Preparing for a Smoke-Free Workplace on July 5, 2004**

- ☐ Distribute information about the smoke-free workplace law to employees.
- ☐ Post signs or posters that inform employees and/or customers that the establishment will be smoke-free on July 5th, 2004.
- ☐ Post a “no-smoking” sign at the main entrance.
- ☐ Post “no-smoking” signs in visible indoor places including restrooms.
- ☐ Remove any “smoking allowed” signs or “designated smoking area” signs in the building.
- ☐ Remove ashtrays from tables, counters, break rooms and restrooms.
- ☐ Check restrooms and hallways for ashtrays attached to the bathroom stalls, walls or other locations. Remove or cover these ashtrays.
- ☐ Place receptacles outside of entrance and exit doors and other external locations for cigarette butts.
- ☐ Review how to respond to complaints and violations.

## Developing Additional Smoke-Free Workplace Policies

Some employers may decide to adopt policies that further restrict smoking in workplaces. Examples may include creating a “buffer zone” so employees and guests do not smoke near the entrances and exits. Another example is designating outdoor dining or recreation areas as “smoking allowed” or “nonsmoking”.

The following steps are suggested:

### ■ **Form a planning committee.**

If you have an existing Health and Safety Committee utilize this committee. Involve employees and employee representatives including representation from management, labor, safety and health, medical, communications. Make an effort to include smokers, nonsmokers, and ex-smokers on the committee. Describe the charge to the committee and its authority.

### ■ **Assess the current climate among both tobacco users and non-users.**

- Do employees comply with the current policy?
- How many of your employees are smokers?
- Are current smokers interested in smoking cessation programs?
- What concerns do smokers have about the new law?
- What concerns do your non-smoking employees have about the new law?

*If you need assistance, contact the  
Massachusetts Department of Public Health at 1-800-992-1895.*

# Considerations for Workplaces that Serve Customers

## ■ Things to do prior to the effective date of the new state law:

Inform your customers and employees that the law will go into effect on July 5, 2004, by putting up a poster or flyer announcing the date of the new law. Prepare them for the upcoming changes. Posters and “No Smoking” signs are available by contacting your local board of health or the Department of Public Health at 1-800-992-1895. No smoking signs can also be downloaded from [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp).

Educate your employees about how to respond if they see a customer smoking inside your establishment. Make sure all employees know what they are responsible to do to achieve and maintain compliance with the law. Talk to them about how to approach a customer who is smoking.

## ■ Things to do beginning on July 5, 2004:

1. Post “NO SMOKING” signs. Be sure to post signs in restrooms, breakrooms and entry-ways.
2. Remove ashtrays from tables, restrooms and other indoor locations.
3. Remove any indoor signs that designate smoking sections or smoking is permitted.
4. If you use check holders, consider placing educational material (such as the payroll enclosure) in the check holders.
5. Inform any person smoking in your establishment that smoking is in violation of the state law. Request the customer extinguish his/her tobacco product.
6. Request that smokers leave your establishment if they refuse to extinguish their smoking materials.
7. Advise staff to take reasonable steps toward implementation but to avoid confrontations that may result in physical harm.
8. Designate and prepare specific outdoor smoking sites. Provide containers outdoors for discarded cigarettes.



## Frequently Asked Questions

**Q: Why is smoking at the workplace such an issue?**

**A:** A landmark 1986 U.S. Surgeon General's report established that separating smokers and non-smokers within the same air space may reduce, but does not eliminate, the risk of exposure to secondhand smoke. Governor Romney and the Massachusetts legislature found it to be in the best interests of the people of Massachusetts to protect non-smokers from exposure to secondhand smoke in all workplaces, by enacting a statewide smoke-free workplace law.

**Q: What is secondhand smoke?**

**A:** Secondhand smoke is classified by the U.S. Environmental Protection Agency as a Group A carcinogen, a rating used only for substances proven to cause cancer in humans at any level of exposure.

**Q: Why is secondhand smoke harmful?**

**A:** Every time someone smokes, poisons such as benzene, formaldehyde and carbon monoxide are released into the air. This means that not only are smokers inhaling these harmful substances, but so is everyone else around them. Secondhand smoke causes irritation of the eye, nose and throat and can irritate the lungs, leading to coughing, excess phlegm, asthma attacks, chest discomfort and reduced lung function.

**Q: Can secondhand smoke cause lung cancer in nonsmokers?**

**A:** Yes. In the United States, secondhand smoke is responsible for an estimated 3,000 lung cancer deaths and 35,000 coronary heart disease deaths, annually.

**Q: Where can I find smoking cessation resources?**

**A:** Resources are available at [www.trytostop.org](http://www.trytostop.org) including community-based smoking cessation groups. For information on locating a tobacco treatment specialist to provide a smoking cessation program at your workplace, contact 1-800-992-1895.

**Q: Should we offer a smoking cessation program for our employees?**

**A:** To help your employees adjust to the no-smoking policy, a company-sponsored smoking cessation program is strongly encouraged. Resources to quit smoking are available at [www.trytostop.org](http://www.trytostop.org) or by calling 1-800-TRY-TO-STOP (1-800-879-8676).

**Q: Won't my employees who smoke want to leave?**

**A:** Employees may suggest they wish to leave your workplace due to the no-smoking policy; however, all workplaces in Massachusetts are smoke-free. The individual will encounter the same smoking policy everywhere unless he/she chooses to work strictly in an outside environment.

**Q: Whom can I contact if I have additional questions?**

**A:** Contact the Massachusetts Department of Public Health at 1-800-992-1895.

# Supporting Your Employees Who Want to Quit Smoking

## ■ How smoking affects the workplace

The Massachusetts Department of Public Health estimates that smoking costs almost \$12 million per day in lost productivity and health care expenditures.<sup>1</sup> Smokers are absent from work for sickness 26% – 37% more than non-smokers.<sup>2</sup> Health care costs for smokers are as much as 40% higher than those for non-smokers.<sup>3</sup> Cost analyses have shown that tobacco cessation benefits pay for themselves and can save employers money.

## ■ Smoking is an addiction

In 1988, U.S. Surgeon General C. Everett Koop declared tobacco use an addiction. When employees quit, they face a variety of withdrawal symptoms. Employees trying to quit need to change their daily rituals and develop ways to deal with stress. Counseling and support (individual face-to-face, telephone or groups) and cessation medication (Zyban®, nicotine patch or gum) can help.

## ■ Ways you can support your employees

Make cessation resources available to your employees. Support for quitting tobacco use is offered free of charge to all Massachusetts residents through the Try-To-STOP TOBACCO Resource Center, funded by the Massachusetts Department of Public Health. Employees can call 1-800-TRY-TO-STOP, 1-800-879-8676, (1-800-8-DEJALO for Spanish), or they can use quitting tools on the Internet at [www.trytostop.org](http://www.trytostop.org).

Create a link on your company website to [www.trytostop.org](http://www.trytostop.org) so employees have easy access to the QuitWizard® stop smoking program, expert advice, and other features. Cessation materials in many languages are also available here. Employers can download flyers about the Resource Center services at [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp).

Provide employees with on-site smoking cessation opportunities (company pays, company co-pays or employee pays). Employers can also hire certified tobacco treatment specialists to offer smoking cessation groups, or arrange for a staff person to be trained to conduct smoking cessation. For additional information, contact 1-800-992-1895.

## Supporting Your Employees Who Want to Quit Smoking (cont.)

Consider including coverage in your employee health plan for tobacco cessation counseling and pharmacotherapy, such as the nicotine replacement patch.

Develop an Adopt-A-Smoker Program at your workplace. Encourage non-smokers to partner with smokers to support them in their quit attempt. Enter the names of all those who participate in a drawing for a gift certificate to a local smoke-free restaurant. Recognize those who quit smoking in your company newsletter, bulletin board or other areas in your workplace. Create a “Quitter’s Hall of Fame” listing those employees who have successfully quit.

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<sup>1</sup> *Smoking-Attributable Mortality, Morbidity, and Economic Costs–Massachusetts 2000* report by Massachusetts Department of Public Health.

<sup>2</sup> Halpern MT, Shidiar R, et al. *Impact of smoking status on workplace productivity*. Tobacco Control. Sept. 2001; 10(i3):233.

<sup>3</sup> Barendregt JJ, Bonneaux L., van der Maas PJ. *The Health Care Costs of Smoking*. The New England Journal of Medicine. Oct. 9, 1997. 337:1052-1057.

## Resources for Employers

The following resources can be downloaded from [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp). If you do not have access to the internet or need assistance, contact the Massachusetts Department of Public Health at 1-800-992-1895.

- **“Starting July 5th, 2004” (flyer)**

A one page (8.5 x 11) flyer that explains that the Massachusetts Smoke-Free Workplace Law goes into effect on July 5, 2004.

- **Payroll enclosures**

Two pages (8.5" x 11") with 3 identical messages to a page. One page gives a short message about the new law; the second page gives information about statewide smoking cessation resources. The two pages can be copied back to back to provide both messages on the same payroll enclosure.

- **“No Smoking” signs**

“No Smoking” signs are available. Signs may be obtained by contacting your local board of health/health department. You can also order these signs from the Try-To-STOP TOBACCO Resource Center. An order form is available at the website. If you only need one or two signs, you can download a “no smoking sign” from the [www.mass.gov/dph/mtcp](http://www.mass.gov/dph/mtcp).

- **“Thinking about Quitting” (flyer)**

A one page flyer to inform employees about resources available for smokers who want to quit smoking.

- **Try-To-STOP TOBACCO Resource Center**

A one page flyer with information about the free smoking cessation resources available from the Resource Center by phone at 1-800-TRY-TO-STOP and online at [www.trytostop.org](http://www.trytostop.org).

If you are interested in smoking cessation materials for your employees, an order form is available on the website. There is a small handling and shipping fee for materials.